

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE

Case

Date Filed

03-CA-294593

04/25/2022

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer D'Youville College		b. Tel. No.
		c. Cell No.
d. Address (Street, city, state, and ZIP code) 320 Porter Road, Buffalo, NY 14201	e. Employer Representative (b) (6), (b) (7)(C)	f. Fax No.
		g. e-mail (b) (6), (b) (7)(C)@dyc.edu
		h. Number of Workers Employed
i. Type of Establishment (factory, mine, wholesaler, etc.) college	j. Identify Principal Product or Service education	
1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1), (3) and (5) and of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
See attachment		

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
D'Youville College Chapter of the AAUP

4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-mail (b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(Signature of representative of person making charge)

(Print/type name and title or office, if any)

Address:

(b) (6), (b) (7)(C)

Date:

4-22-22

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-mail

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Attachment to 2. Basis of the Charge

1. For the previous six months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening not to provide employees with a benefit of faculty research release, and by stating that the Employer would abide by the letter of the collective bargaining agreement because employees had engaged in union activities.
2. On about (b) (6), (b) (7)(C) 2021, the Employer discriminated against employee (b) (6), (b) (7)(C) by removing (b) (6), (b) (7)(C) duties as (b) (6), (b) (7)(C) and on (b) (6), (b) (7)(C) 2022, by issuing (b) (6), (b) (7)(C) a disciplinary letter in order to discourage union activities or membership.
3. Since about January 18, 2022, the Employer discriminated against multiple faculty members by limiting overload contracts to 18 hours whereas the Employer had a past practice of allowing faculty to have overload contracts in excess of 18 hours in order to discourage union activities or membership.
4. Since about (b) (6), (b) (7) 2022, the Employer discriminated against multiple faculty members by removing their duties as (b) (6), (b) (7)(C) in order to discourage union activities or membership.
5. On about (b) (6), (b) (7)(C) 2022, the Employer discriminated against employee (b) (6), (b) (7)(C) by denying (b) (6), (b) (7)(C) a tuition waiver in order to discourage union activities or membership.
6. Since about February 15, 2022, the Employer discriminated against multiple faculty members by denying them sabbaticals in order to discourage union activities or membership.
7. Since about January 18, 2022, the Employer has failed to bargain collectively and in good faith with D'Youville College Chapter of the AAUP, by unilaterally implementing a reorganization of the Nursing School; and unilaterally changing its policies and practices concerning overload contracts and sabbaticals without bargaining with the Union.
8. Since about January 18, 2022, the Employer has failed to bargain collectively and in good faith with D'Youville College Chapter of the AAUP, by reassigning bargaining unit work (b) (6), (b) (7)(C) to non-unit personnel in Administration without bargaining with the Union.
9. On about (b) (6), (b) (7)(C) 2022, the Employer threatened to discipline employee (b) (6), (b) (7)(C) in order to discourage union activities or membership.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlrb.gov
Telephone: (716)551-4931
Fax: (716)551-4972



Download
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April 25, 2022

(b) (6), (b) (7)(C)

D'Youville College
320 Porter Road
Buffalo, NY 14201

Re: D'Youville University
Case 03-CA-294593

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner RENEE A. HUTT whose telephone number is (716)398-7014. If this Board agent is not available, you may contact Regional Director LINDA M. LESLIE whose telephone number is (716)398-7017.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

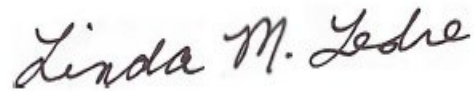
If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, reading "Linda M. Leslie". The signature is written in a cursive, flowing style.

LINDA M. LESLIE
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 03-CA-294593
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

D'YOUVILLE UNIVERSITY

Charged Party

and

**D'YOUVILLE COLLEGE CHAPTER OF THE
AAUP**

Charging Party

Case 03-CA-294593

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 25, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

D'Youville College
320 Porter Road
Buffalo, NY 14201

April 25, 2022

Date

REBECCA CAMPBELL, Designated
Agent of NLRB

Name

/s/ REBECCA CAMPBELL

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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130 S Elmwood Ave Ste 630
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April 25, 2022

(b) (6), (b) (7)(C)

D'Youville College Chapter of the AAUP

(b) (6), (b) (7)(C)

Re: D'Youville University
Case 03-CA-294593

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on April 25, 2022 has been docketed as case number 03-CA-294593. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner RENEE A. HUTT whose telephone number is (716)398-7014. If this Board agent is not available, you may contact Regional Director LINDA M. LESLIE whose telephone number is (716)398-7017.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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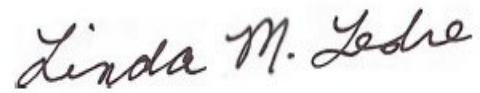
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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Linda M. Leslie". The ink is dark and the signature is fluid.

LINDA M. LESLIE
Regional Director

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

D'Youville College Chapter of the AAUP,	Charging Party
and	
D'Youville University	Charged Party

CASE 03-CA-294593

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
D'Youville University

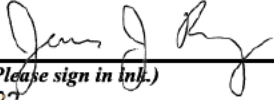
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: James J. Rooney, Esq.	
MAILING ADDRESS: Bond, Schoeneck & King, PLLC, 200 Delaware Avenue, Suite 900, Buffalo NY 14202	
E-MAIL ADDRESS: jrooney@bsk.com	
OFFICE TELEPHONE NUMBER: 716-416-7048	
CELL PHONE NUMBER:	FAX: 716-416-7348
SIGNATURE:  (Please sign in ink.)	
DATE: 5.13.22	

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**Amended CHARGE AGAINST
EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case 03-CA-294593	Date Filed 6/22/2022

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer D'Youville University	b. Tel. No.
	c. Cell No.
	f. Fax. No.
d. Address (Street, city, state, and ZIP code) 320 Porter Road, Buffalo, NY 14201	e. Employer Representative (b) (6), (b) (7)(C)
	g. e-mail (b) (6), (b) (7)(C)@dyc.edu
	h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) college	j. Identify principal product or service education
<p>The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (1), (3) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p>	
<p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>See attachment</p>	
<p>3. Full name of party filing charge (if labor organization, give full name, including local name and number)</p> <p>D'Youville College Chapter of the AAUP</p>	
4a. Address (Street and number, city, state, and ZIP code)	4b. Tel. No.
(b) (6), (b) (7)(C)	
	4c. Cell No.
	716-697-
	4d. Fax No.
	4e. e-mail
	(b) (6), (b) (7)(C)
<p>5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)</p>	
(b) (6), (b) (7)(C)	Tel. No. (b) (6), (b) (7)(C)
	Office, if any, Cell
	Fax No.
	e-mail
	(b) (6), (b) (7)(C)
<p>Date: <u>6-17-22</u></p>	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

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Attachment: BASIS OF CHARGE

1. For the previous six months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening not to provide employees with a benefit of faculty research release, and by stating that the Employer would abide by the letter of the collective bargaining agreement because employees had engaged in union activities.
2. On about (b) (6), (b) (7)(C) 21, the Employer discriminated against employee (b) (6), (b) (7)(C) by removing (b) (6), (b) (7)(C) duties as (b) (6), (b) (7)(C) and on (b) (6), (b) (7)(C) 22, by issuing (b) (6), (b) (7)(C) a disciplinary letter in order to discourage union activities or membership.
3. Since about (b) (6), (b) (7)(C) 2022, the Employer discriminated against multiple faculty members by removing their duties as (b) (6), (b) (7)(C) in order to discourage union activities or membership.
4. Since about February 15, 2022, the Employer discriminated against multiple faculty members by denying them sabbaticals in order to discourage union activities or membership.
5. Since about January 18, 2022, the Employer has failed to bargain collectively and in good faith with D'Youville College Chapter of the AAUP, by unilaterally implementing a reorganization of the Nursing School; and changing its policies and practices concerning sabbaticals without bargaining with the Union.
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7. On about (b) (6), (b) (7)(C) 2022, the Employer threatened to discipline employee (b) (6), (b) (7)(C) in order to discourage union activities or membership.

(b) (6), (b) (7)(C)

0-17-22



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

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June 22, 2022

(b) (6), (b) (7)(C)

D'Youville College
320 Porter Road
Buffalo, NY 14201

Re: D'Youville University
Case 03-CA-294593

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner RENEE A. HUTT whose telephone number is (716)398-7014. If the agent is not available, you may contact Regional Director LINDA M. LESLIE whose telephone number is (716)398-7017.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

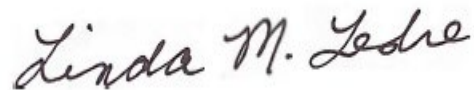
Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its

determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in cursive script that reads "Linda M. Leslie".

LINDA M. LESLIE
Regional Director

Enclosure: Copy of first amended charge

cc: James J. Rooney, ESQ., Attorney
Bond, Shoeneck & King, PLLC
200 Delaware Ave
Ste 900
Buffalo, NY 14202

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

D'YOUVILLE COLLEGE

Charged Party

and

**D'YOUVILLE COLLEGE CHAPTER OF THE
AAUP**

Charging Party

Case 03-CA-294593

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on June 22, 2022, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

D'Youville College
320 Porter Road
Buffalo, NY 14201

James J. Rooney, ESQ., Attorney
Bond, Shoeneck & King, PLLC
200 Delaware Ave
Ste 900
Buffalo, NY 14202

June 22, 2022

Date

Andrea Seyfried, Designated Agent of
NLRB

Name

/s/Andrea Seyfried

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlr.gov
Telephone: (716)551-4931
Fax: (716)551-4972



Download
NLRB
Mobile App

June 22, 2022

(b) (6), (b) (7)(C)

D'Youville College Chapter of the AAUP

(b) (6), (b) (7)(C)

Re: D'Youville University
Case 03-CA-294593

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Examiner RENEE A. HUTT whose telephone number is (716)398-7014. If the agent is not available, you may contact Regional Director LINDA M. LESLIE whose telephone number is (716)398-7017.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

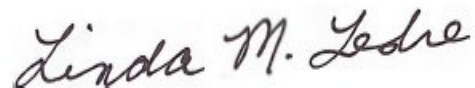
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comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in dark ink that reads "Linda M. Leslie". The signature is written in a cursive, flowing style.

LINDA M. LESLIE
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 03
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlr.gov
Telephone: (716)551-4931
Fax: (716)551-4972

November 16, 2022

James J. Rooney, ESQ., Attorney
Bond, Shoenek & King, PLLC
200 Delaware Ave
Ste 900
Buffalo, NY 14202

Re: D'Youville University
Case 03-CA-294593

Dear Mr. Rooney:

This is to advise you that I have approved the Charging Party's request to withdraw the portion of the charge that alleges the Employer violated Section 8(a)(1) and (3) of the Act on or about (b) (6), (b) (7)(C) 2021 by discriminating against (b) (6), (b) (7)(C) by removing (b) (6), (b) (7)(C) duties as (b) (6), (b) (7)(C) and on (b) (6), (b) (7)(C), 2022, by issuing (b) (6), (b) (7)(C) a disciplinary letter in order to discourage union activities or membership. The remaining allegations of the charge have not been withdrawn.

Very truly yours,

/s/ Linda M. Leslie

LINDA M. LESLIE
Regional Director

cc: (b) (6), (b) (7)(C)
D'Youville College
320 Porter Road
Buffalo, NY 14201

(b) (6), (b) (7)(C)
D'Youville College Chapter of the AAUP
(b) (6), (b) (7)(C)